

Town of Nantucket Police Department

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July 10, 2013

Jasper Craven
MuckRock News
DEPT MR 6213
PO Box 55819
Boston, MA 02205-5819

RE: July 10, 2013 Records Request via email

Dear Mr. Craven;

I am in receipt of your public records request received on July 10, 2013 which requests the following records in the custody of the Nantucket Police Department:

“Any documents detailing a heightened security presence in Nantucket to ensure the safety of Secretary of State John Kerry and his family, specifically a memorandum of agreement or a memorandum of understanding between secret service officials and the local Nantucket police”

The above records that you have requested are subject to Massachusetts General Law, c. 66, § 10 (a), which provides, in pertinent part: “Every person having custody of any public record, as defined in [G.L. c. 4, § 7, Twenty-sixth], shall, at reasonable times and without unreasonable delay, permit it, or any segregable portion of a record which is an independent public record, to be inspected and examined by any person, under his supervision, and shall furnish one copy thereof upon payment of a reasonable fee.” Furthermore General Law c. 4, § 7, Twenty-sixth, provides, in pertinent part: “Public records shall mean all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of any political subdivision thereof, or of any authority established by the General Court to serve a public purpose, unless such materials or data fall within the exemptions outlined in c. 4, § 7, Twenty-sixth.”

Your records request dated July 10, 2013 outlined above is not subject to release at this time as they fall within the statutory exemptions of c. 4, § 7, Twenty-sixth.

The specific rationale¹ for withholding the release of the records noted above in paragraph one is based upon the statutory exemption (b) of c. 4, § 7, Twenty-sixth which states:

*“(b) related solely to internal personnel rules and practices of the government unit, provided however, that such records shall be withheld only to the extent that proper performance of necessary governmental functions requires such withholding.”*²

Information related to the procedures and deployment of Nantucket police personnel regarding the protection of the Secretary of State of the United States is not subject to public release. Such release may hinder effective law enforcement activities and jeopardize security procedures.

In conclusion, while the records or documents that you have requested do fall under the public records law, there are specific statutory exemptions which prohibit the release of these records at the present time. You have a right to appeal this decision pursuant to 950 CMR 32.08 (2) to:

Supervisor of Public Records
Office of the State Secretary,
One Ashburton Place, Room 1719
Boston, Massachusetts 02108

Such appeal shall be in writing within 90 days of this denial, and shall include a copy of the letter by which the request was made and, if available, a copy of the letter by which the custodian responded. The Supervisor shall accept an appeal only from a person who had made his or her record request in writing. An oral request, while valid as a public record request pursuant to 950 CMR 32.05(3), may not be the basis of an appeal under 950 CMR 32.08.

If you require further information regarding this matter, please do not hesitate to contact me.

Sincerely,



Charles Gibson
Deputy Chief of Police

¹ See G.L. c. 66, § 10 (c); District Attorney for the Norfolk Dist. v. Flatley, 419 Mass. 507, 511, 646 N.E.2d 127 (1995).

² See G. L. c. 4, § 7(26)(b).